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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/562,675	12/29/2005	Koichi Oka	06854.0049	8279
22852 7590 01/14/2011 FINNEGAN, HENDERSON, FARABOW, GARRETT & DUNNER LLP 901 NEW YORK AVENUE, NW WASHINGTON, DC 20001-4413				
			EXAMINER LAM, VINH TANG	
			ART UNIT 2629	PAPER NUMBER
			MAIL DATE 01/14/2011	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/562,675

Applicant(s)

OKA ET AL.

Examiner

VINH LAM

Art Unit

2629

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11 November 2010.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-35 is/are pending in the application.
- 4a) Of the above claim(s) 1-15 and 20-35 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 16-19 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 29 December 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-946)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 112

The following is a quotation of the **second paragraph** of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

1. Claims **16**, **17**, and **19** are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The limitation of Claim **16** "...a visual field of the image sensor being fixed with respect to the screen ..." is not clear.

Does "...a visual field of the image sensor being fixed with respect to the screen ..." mean that "...a visual field of the image sensor has a fixed distance, velocity, synchronization, or brightness with respect to the screen..."?

To further advance prosecution, the Examiner interprets "...a visual field of the image sensor being fixed with respect to the screen ..." as "...a visual field of the image sensor has a fixed distance, velocity, synchronization, or brightness with respect to the screen..."

The limitation of Claim **17** "...time-stamping the first images..." is not clear.

Does "...time-stamping the first images..." mean that the actual time, (e.g. 1:00:00 PM EST), of each of the first images is shown on its image when it is processed?

Does "...time-stamping the first images..." mean that the first images are generated.

To further advance prosecution, the Examiner interprets "...time-stamping the first images..." as the first images are generated.

The limitation of Claim 19 "...determining a number of sensor elements ..." is not clear.

Does "...determining a number of sensor elements ..." mean determine how many number of sensor elements, (e.g. 1, 2, or 3,...)?

Does "...determining a number of sensor elements ..." mean determine some of the characteristics of the image (e.g. brightness, velocity of pattern, or movement distance of the image...) that are captured by the sensor?

To further advance prosecution, the Examiner interprets "...determining a number of sensor elements ..." as determine some of the characteristics of the image (e.g. brightness, velocity of pattern, or movement distance of the image...) that are captured by the sensor.

Appropriate correction is required.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claim **16** is rejected under 35 U.S.C. 102(b) as being anticipated by

KANAZAWA et al. (JP 2001054147 (already of record)).

Regarding Claim **16**, (Currently Amended) **KANAZAWA et al.** teach a method for evaluating a quality of motion images ([0015], DWG. 1) on a screen ([0017], DWG. 1, i.e. 2), the method comprising:

capturing, by an image sensor ([0019], DWG. 1, i.e. picture sensing device 5), a plurality of first images of a test pattern ([0019], DWG. 1, i.e. picture displayed on 2) while the test pattern is moved on the screen at a pattern velocity ([0018], DWG. 1, i.e. output control of the picture signal) a visual field ([0019], DWG. 1, i.e. electric picture signal) of the image sensor being fixed with respect to the screen ([0020], DWG. 1, i.e. fixed-quality measurement; [0018], DWG. 1, i.e. 6 generates image control signal **b** and roll control signal **c**) while the first images are captured ([0017]-[0018], DWG. 1);

determining the pattern velocity based on the first images ([0019], DWG. 1, i.e. output control of the picture signal; [0020], DWG. 2, i.e. 1 outputs the signal of the picture which moves in the display; [0023], DWG. 2, i.e. the picture is moving with constant speed);

setting a sensor velocity corresponding to the pattern velocity ([0019], DWG. 1, i.e. picture on 2 is inputted into 5 with a roll control,...is clamped by the predetermined level; [0026], DWGs. 3a-3c, i.e. roll control signal c ... synchronizing with the picture signal a; [0025]-[0028]);

capturing a second image of the test pattern while the test pattern is moving on the screen at the pattern velocity ([0024], DWGs. 3a-3c; [0056], [0057], DWGs. 9a-9c, i.e. field periods T1 and T2) and the image sensor is moving at the sensor velocity ([0056], [0057]); and

evaluating the quality of motion images on the screen based on the second image ([0056]-[0059]; DWGs. 9-10).

Regarding Claim 17, (New) KANAZAWA et al. teach the method of claim 16, further comprising:

time-stamping the first images ([0018], DWG. 1, i.e. 6 generates image control signal b; [0025], DWG. 1, i.e. 1 outputs vertical sync signal e and picture signal a which are inherently included activation/deactivation timings);

determining a distance traveled by the first images within the visual field ([0024]-[0028], DWGs. 3a-3c, i.e. inherently obtained from the frequency and movement speed of the sine wave 30);

and

calculating the pattern velocity based on the distance and a time difference of the first images ([0024]-[0028], DWGs. 3a-3c, i.e. inherently obtained from the frequency and movement speed of the sine wave 30).

Regarding Claim 18, (New) **KANAZAWA et al.** teach the method of claim 17, further comprising:

determining the distance based on a luminance characteristic of the first images ([0022], DWG. 2, i.e. inherently obtained from the scanning line direction (horizontal) timing).

Regarding Claim 19, (New) **KANAZAWA et al.** teach the method of claim 18, further comprising:

determining a number of sensor elements of the image sensor traversed by the first images ([0022]-[0024], DWGs. 2 & 3a-3c, i.e. brightness and position).

Response to Election/Arguments/Amendments/Remarks

3. Claims 1-15 are canceled.
4. Claims 20-35 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected Groups II & III, there being no allowable generic or linking claim. Election was made **without** traverse in the reply filed on 11/11/2010.
5. Applicant's election without traverse of Group I (Claims 16-19) in the reply filed on 11/11/2010 is acknowledged.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to VINH T. LAM whose telephone number is (571)270-3704. The examiner can normally be reached on M-F (7:00-4:30) EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Amare Mengistu can be reached on (571) 272-7674. The fax phone

number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Vinh T Lam/
Examiner, Art Unit 2629

/Amare Mengistu/
Supervisory Patent Examiner, Art Unit 2629